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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,950	03/24/2000	David G Stork	074451.P0118	1960

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EXAMINER

BOOKER, KELVIN E

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,950

Applicant(s)

STORK, DAVID G

Examiner

Kelvin E Booker

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 13,14,21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☒ Other: *Detailed Office Action*.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim one provides for the use of “setting up a system for learning”, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

3. **Claims 3-5, 8, 9 and 11** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1, 2, 6, 7, 10, 12 and 17-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Prasad, U.S. Patent No. 5,960,422 [hereafter Prasad].

As per claim 1, Prasad teaches of a method of machine learning comprising:

A. setting up a system for learning (see column 2, lines 55-63);

B. presenting queries to non-expert netizens [e.g., Internet users] over a network, the netizens participating in the training process (see column 3, lines 1-15: querying users in the training process);

C. continually updating the system and refining the queries based on responses to the queries provided by the netizens (see column 3, lines 1-32: refining data models).

As per claim 2, Prasad teaches of a method wherein the system has certain goals including accumulating data (see column 2, lines 50-67: creating, optimizing and classifying models of sources).

As per claim 6, Prasad teaches of a method wherein the goals of the system evolve as the system is updated (see column 3, lines 10-31: refining models).

As per claim 7, Prasad teaches of a method wherein the goals comprise a plurality of intermediate goals, that change in response to the responses while approaching a final goal (see column 3, lines 1-31).

As per claim 10, Prasad teaches of a method wherein setting up the system comprises:

A. implementing a plurality of rules for presenting questions (see column 2, lines 60-63: employing rule induction);

B. implementing an architecture for interacting with the netizens to enable netizens to access the system (see column 3, lines 1-10: network enabling Internet users to access system); and

C. generating a database for storing the responses (see column 3, lines 10-31).

As per claim 12, Prasad teaches of a system coupled to a network to present queries to and receive responses from a plurality of netizens over the network, the system comprising: (1) a data aggregation logic to organize the responses (see column 2, lines 50-67); and (2) a query formulation logic to formulate a next query based on the plurality of responses to the last query (see column 3, lines 15-31).

Prasad does not explicitly disclose a user interface for presenting the queries and receiving the responses. However, this is deemed to be inherent to Prasad's system as the cited art clearly teaches of querying and accepting user input throughout the reference. Prasad's system would not be effective if the system was unable to provide a means for querying Internet users and accepting user responses to train the system.

As per claims 17 and 18, the same limitations are subjected to in claims one and two, respectively, therefore the same rejections apply (see claims one and two above).

As per claims 19 and 20, the same limitations are subjected to in claim one, therefore the same rejections apply (see claim one above).

Allowable Subject Matter

6. **Claims 15 and 16** are allowable.

7. **Claims 13, 14, 21 and 22** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

the cited prior art fails to explicitly teach of a method of machine learning wherein Internet users are queried, and the results are employed to continually update and refine the system wherein goals of the system comprise: handwriting, voice and object recognition; conflict resolution; and user reliability ratings.

Conclusion

9. An inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Booker whose telephone number is (703) 308-4088. The examiner can normally be reached on Monday-Friday from 7:00 AM-5:30 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-9707. The fax number for the organization where this application or proceeding is assigned is (703) 746-7239.

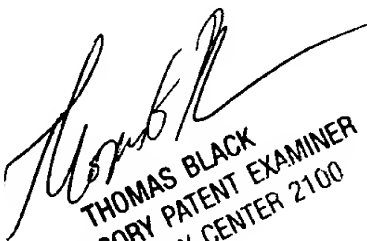
An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



K.E.B.

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August 11, 2002



**THOMAS BLACK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**